

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

Few rights are so fundamental as the right to privacy in our daily lives – and few are under such constant attack. Americans must have the security of knowing that their private phone records are not for sale. I therefore support our decision today to assess the statutorily maximum forfeiture against a company that has egregiously failed to comply with our subpoena and that must be called to account.

Even though today's decision is a step in the right direction, let's be sure we don't lose sight of the bigger picture here. Data brokers continue to flout the law, invade our privacy, and put each of us at risk. As the Electronic Privacy Information Center (EPIC) demonstrated so forcefully in its petition for rulemaking last summer, data brokers are capable of obtaining a history of calls made to and from a particular phone number, the customer name associated with that number, and perhaps even the geographic location of a mobile phone user. This is an unsettling and entirely intolerable state of affairs. The Commission simply cannot stop until the root problem has been solved. This company's failure to respond to our subpoena about how it came to possess private data underscores just how badly further action is needed.

In order to provide consumers with the level of protection they expect and deserve, I hope we will move on from here to issue rules in the Customer Proprietary Network Information (CPNI) docket that we opened last February. For too long the Commission treated privacy as a "back-burner" issue. It has been four years since the Arizona Corporation Commission initiated a petition regarding dissemination of CPNI to unaffiliated third parties. Last year we reclassified wireline broadband Internet access services but left for another day the chilling question of whether privacy protections even apply to this regulatory remix. It is time to stop putting Americans' digital privacy unnecessarily at risk.

So I hope this decision today signals a commitment to get privacy right for the digital age. Where breaches of data security become easier and more common every day, privacy still has to matter. The Commission's challenge is to catch up with the American people who are demonstrably tired of unlawful violations of their digital privacy. They need our help and they need it now.